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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

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11 MARIA ISABEL IBARRA (“Ibarra”) } Case No.: 15-cv-01479-RFB-  
12 Individually and on behalf of others similarly } PAL  
13 situated, }  
14 Plaintiffs, }  
15 vs. }  
16 RMC & S CORP, a/k/a and d/b/a DELUXE }  
17 CLEANERS & ALTERATIONS; JOHNNY }  
18 CORONEL; an individual; MARY }  
19 CORONEL, an individual; RAFAEL }  
20 CORONEL, an individual; and SEBASTIAN }  
21 EMPLOYEE(S)/AGENT(S) DOES 1-10; }  
22 AND ROE CORPORATIONS 11-20, }  
23 INCLUSIVE }  
24 Defendants. }

25 The Court has before it the parties’ joint motion for preliminary  
26 approval of a proposed class action settlement (“Settlement”), which is subject  
27 to review and approval under Fed. R. Civ. Pro. Rule 23 and the Fair Labor  
28 Standards Act (“FLSA”) and which, together with the exhibits thereto, sets  
forth the terms and conditions for the proposed settlement of this Action.  
After reviewing the Motion for Preliminary Approval, the Stipulation of  
Settlement (“Stipulation”), adopting for use in this Order the terms defined in

1 the Stipulation and which will have the same meaning in this Order as they do  
2 in the Stipulation, and reviewing all relevant documents filed with the Court,  
3 the Court hereby finds and orders as follows:

4       1. The Court finds on a preliminary basis, subject to further  
5 consideration at the Final Approval Hearing to be held on **11/29/2016** at  
6 **10:00 AM**, a date that is at least one hundred fifteen (115) days after the date  
7 of this Order, that the Settlement memorialized in the Stipulation appears to be  
8 fair, adequate, and reasonable, falls within the range of reasonableness, and,  
9 therefore, meets the requirements for preliminary approval and grants such  
10 preliminary approval, subject to any objections by members of the below-  
11 specified Class and final review by the Court. The Court also finds that this  
12 Stipulation is the result of protracted arms-length negotiations between  
13 experienced counsel.

14       2. Pursuant to Rule 23 and the FLSA and for the purposes of this  
15 Settlement only, the Court preliminarily certifies the following class  
16 (“Class”):

17       All individuals who are listed on Exhibit “1” of the Stipulation, in  
18 respect to any of the claims asserted in Plaintiffs’ Complaint [Dkt. 1]  
19 and arising from such persons’ employment by the defendants from  
20 December 1, 2012 through December 31, 2015, and in the event any  
21 such persons are deceased or legally adjudicated incompetents, their  
legal representatives or heirs at law.

22       3. The Court finds, for purposes of settlement only, that the Class  
23 meets the requirements for certification under Fed. R. Civ. P. 23(a) and  
24 23(b)(3) in that: (a) the Class is so numerous that joinder is impracticable; (b)  
25 there are questions of law and fact that are common to all Class members,  
26 which questions predominate over individual issues; (c) the claims of the  
27 Class Representatives designated in this Order are typical of the claims of the  
28 Class; (d) the Class Representatives designated in this Order and Plaintiffs’

1 Counsel will fairly and adequately protect the interests of the Class; and (e) a  
2 class action is superior to other available methods for the fair and efficient  
3 adjudication of the controversy.

4       4. The Court, for settlement purposes only, appoints the named  
5 Plaintiff, Maria Isabel Ibarra, as the Class Representative.

6       5. The Court appoints, for settlement purposes only, Christian  
7 Gabroy and Oscar Peralta of the Gabroy Law Office, and Leon Greenberg and  
8 Dana Sniegocki of Leon Greenberg Professional Corporation as counsel for  
9 the Class.

10       6. The Court appoints Rust Consulting as the Settlement  
11 Administrator and preliminarily finds that the estimated Administration Costs  
12 of Thirteen Thousand and 00/100 Dollars (\$13,000.00), as set forth in the  
13 Stipulation, is fair and reasonable.

14       7. The Court approves, as to the form and content, the Notice of  
15 Proposed Class Action Settlement (“Notice”), attached hereto as Exhibit A,  
16 which informs the Class Members of the terms of the proposed Settlement, the  
17 preliminary approval of the Settlement, and the scheduling of the Final  
18 Approval Hearing. The Court finds that the dates selected for the mailing,  
19 distribution, and response to the Notice and requests for exclusion from the  
20 Class (a) meet the requirements of due process, (b) provide the best notice  
21 practicable under the circumstances, (c) shall constitute due and sufficient  
22 notice to all persons entitled thereto, and (d) meet the requirements of Rule 23  
23 and the FLSA.

24       8. Class Members shall be bound by the determinations and  
25 judgments in the Action with respect to the Stipulation, whether favorable or  
26 unfavorable, unless they request exclusion in a timely and proper manner as  
27 described in the Notice. Class Members requesting exclusion from the Class  
28

1 shall not be entitled to receive any Settlement Award from the Settlement as  
2 described in the Stipulation and the Notice.

3       9. The Court enjoins Plaintiffs and all Class Members from filing or  
4 prosecuting any claims, suits, or administrative proceedings regarding claims  
5 that would be released upon the final approval of the Settlement and the final  
6 judgment to be entered thereon, unless and until such Class Members have  
7 filed a valid request for exclusion with the Settlement Administrator.

8       10. The Court orders the following schedule of dates for further  
9 proceedings:

- 10       a. The Notice shall be mailed by first class mail, postage  
11            prepaid, by the Settlement Administrator to the last known  
12            address of each Settlement Class Member, as provided for in  
13            the Stipulation, no later than thirty (30) days from the date of  
14            this Order, and if such date falls on a Saturday, Sunday, or  
15            legal holiday, then on the next business day.
- 16       b. Deadline for Plaintiffs' serving and filing the Motion for Final  
17            Approval: No later than ninety (90) days from the date of this  
18            Order, and if such date falls on a Saturday, Sunday, or legal  
19            holiday, then on the next business day.
- 20       c. Deadline for comments and/or objections to the Settlement, to  
21            be submitted in the manner defined in the Notice: No later  
22            than seventy-five (75) days from the date of this Order, and if  
23            such date falls on a Saturday, Sunday, or legal holiday, then  
24            on the next business day.

- 25       11. The purpose of the Final Approval Hearing shall be as follows:
  - 26           a. To finally determine whether the Action satisfies the  
27            applicable requisites for class action treatment of the Class  
28            under Rule 23 for the purposes of this Settlement;

- b. To determine whether the proposed Settlement is fair, reasonable, and adequate, and should be approved by this Court;
- c. To determine whether the Final Settlement Order as provided under the Stipulation should be entered in the Action, dismissing the Complaint filed in the Action against Defendants, on the merits and with prejudice, and to determine whether the Release of Claims, as set forth in the Stipulation, should be provided to the Defendants and Released Parties;
- d. To determine whether the distribution of the Settlement Fund, as set forth in the Notice and Stipulation, is fair and reasonable and should be approved by this Court;
- e. To consider Plaintiffs' Counsel's application for an allocation of attorneys' fees and expenses;
- f. To consider comments and/or objections to the Settlement, including the distribution of the Settlement Fund, provided that the comments and/or objections are submitted in a timely and proper manner as specified in the Stipulation;
- g. To consider approval of a Named Plaintiff Service Award as specified in the Notice and Stipulation for the Class Representatives appointed by this Order for their assistance in the prosecution of the Action.
- h. To rule upon such other matters as this Court may deem appropriate.

1       12.     In the event no objections to the Settlement are received in a  
2 timely manner and in the form provided for in the Notice, the Court may  
3 cancel the Final Approval Hearing, without notice to the Class, and proceed to  
4 make the foregoing determinations required under Rule 23 and the FLSA  
5 based upon the written submissions of the parties.

6       13.     Any Class member who does not object to the Settlement,  
7 including the distribution of the Settlement Fund, as provided for in the Notice  
8 and by the deadline above shall be deemed to have waived such objection and  
9 shall forever be foreclosed from making any objection to the fairness,  
10 adequacy, or reasonableness of the proposed Settlement and its terms,  
11 including, the Final Settlement Order, the Fee and Expense Award to  
12 Plaintiffs' Counsel, the Named Plaintiff Service Award, and/or the  
13 distribution of Settlement Awards as provided for in the Stipulation and the  
14 Notice.

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16       14.     The Settlement Administrator, with the assistance of Plaintiffs'  
17 Counsel, shall, within sixty (60) days from the date of this Order file with this  
18 Court a status report in the form of a declaration detailing the efforts made in  
19 mailing the Notice to all Class Members. Such declaration contain the  
20 following:

21           (a)    The identities of any Class Members to whom the Notice  
22                   mailing was returned to the Settlement Administrator as  
23                   undeliverable by the United States Postal Service;

24  
25           (b)    A detailed explanation of the efforts made by the  
26                   Settlement Administrator to locate alternative mailing  
27                   addresses for such Class Members and have the Notice re-  
28                   mailed to such different mailing addresses.

1       The Settlement Administrator is hereby ordered to make vigorous  
2 efforts to locate valid mailing addresses for all Class Members to mail the  
3 notice to them, consistent with the terms of the Stipulation of Settlement.

4       15. The Court reserves the right to approve the Stipulation with or  
5 without modification and with or without further notice of any kind. This  
6 Court further reserves the right to enter the Final Settlement Order in the  
7 Action, approving the Stipulation and dismissing the Action as against the  
8 Defendants, on the merits and with prejudice, regardless of whether it has  
9 approved all of the terms of the Stipulation.

10       16. This Court retains exclusive jurisdiction over the Action to  
11 consider all further matters arising out of or connected with the Settlement  
12 and its terms as set forth in the Stipulation and the Notice.

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14       IT IS SO ORDERED.

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16       **DATED:** July 27, 2016.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE